UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,469	09/16/2003	Jan-Erik Ekberg	4208-4149	9618

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EXAMINER
BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/662,469	EKBERG ET AL.
	Examiner	Art Unit	
	Steven Blount	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 February 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 - 63</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>62 - 63</u> is/are allowed.

6)☒ Claim(s) <u>1 - 61</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1, 2</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

2.   Claims 1 – 3, 6 – 10, 13, 15, 18, 32 - 61 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent

U.S. patent 6,738,766 to Peng and U.S. patent 7,158,176 to Tokkonen et al.

With regard to claim 1, Hermann teaches a device for operating in an ad-hoc

wireless network comprising:

1)   memory 16 of figure 1A, wherein the memory stores a directory of all

applications resident in the other communication devices present in the ad-hoc network

(see col 7 lines 27+ and note that it says that the devices must be able to advertise their

services in col 7 line 33).

2)   processor 11 of figure 1A.

3)   a list of identifiers concerning the services (col 11 lines 25+). See also col

16 lines 25+ which discusses independence of protocol layer.

Hermann does not however teach the device to choose an application from the

list and then examine a control parameter associated with the application, or assigning

priority based on the combined distributed applications directory wherein the priority is

calculated from a local application priority and corresponding application priority of the nearby device.

Peng teaches ordering applications in a mobile user based upon frequency of use and time. See for example col 5 lines 1+. It is also taught that the applications may be uploaded. See col 7 lines 29+. The use of a parameter in the ordering is taught in col 8 lines 6 to 35. See also col 2 lines 15+, col 4 lines 45+, and compare paragraph 58 of applicants specification with col 5 lines 4+. Further see col 6 lines 30+, and col 8 lines 10 – 25. Finally, the examiner notes that choosing an application is taught in col 4 lines 59+, a directory is taught in col 5 lines 15+ (member 218), matching applications is taught in col 6 lines 60+, and further note that actions described with the application once it is chosen would be obvious to implement through the use of a parameter. For example, uploading the application as described above would be obvious – if not completely necessary - to do through the use of a parameter for accomplishing this. The examiner notes that the use of "various" parameters is taught in col 5 lines 1+, wherein it is stated that: "each application selection record includes various parameters..."

Assigning priority based upon several application priorities in a wireless environment is taught in Tokkonen et al. See col 4 lines 30 – 33.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Hermann with a means for ordering the applications resident in the device in light of the teachings of Peng et al in order to provide a means for allowing the user greater ease of use of the mobile device when communicating with

member peers in an ad-hoc network; and it would have been further obvious to have provided Hermann/Peng with a means for assigning priority based on several application priorities in a wireless environment in light of the teachings of Tokkonen in order to provide a means for calling up the applications of highest priority in the combined directory of applications used by both end members in the wireless system.

With regard to claim 2, note the following: an application is selected based on order of number of executions, and then a parameter regarding frequency of time is examined. Further, the URL is another "control parameter" which is examined.

With regard to claim 3, at the very least, the URL would enable distributing the application.

With regard to claims 6 - 7, see the discussion above and note that the use of a middleware layer would have been obvious in view of the fact that the data is not explicitly associated with the operating system, yet it is not application data either, such that one of ordinary skill in the art at the time of the invention would have been motivated to place it in a middleware layer.

With regard to claims 8 – 10 and 13, see the discussion above wherein all the method steps are inherent in the discussion of the apparatus.

With regard to claims 15 and 18, see the discussion above and note the implementation in software would be necessary in order to insure the processes repeatability.

With regard to claim 32, see the above and note that the "preferred" application is chosen based upon usage as described in Peng.

With regard to claims 33 – 46, see the rejections above: 33 (2), 34 (3), 35 (claim 3, and note use of prioritization), 36 (see claim 35 and note it would be obvious to apply this to a peer since it is operating in an ad-hoc network), 37 (see claim 2), 38: it would have been obvious to have the program resident such that it can respond to requests quickly, 39 (see claim 1 and note it would be obvious to apply to a combined directory in order to from the ad-hoc network) 40 (cl 2), 41 (cl 3), 42 (see claim 3 and note use of prioritization), 43: it would be obvious to include preference of a peer device in order to form the ad hoc network; 44: see claim 2; 45: see rejection of claim 38; 46: see rejections above and note it would have been obvious to implement the actions in software in order to insure the processes repeatability.

With regard to claim 47, note that the mean in the specification correspond to the teachings of Hermann/Peng such that it would have been obvious to provide a system for controlling access to the preferred program in a wireless device.

With regard to claim 48, see the rejection of claim 41 above and note it would have been obvious to have the user prioritize the application list such that it would have been easiest to locate the most important one first.

With regard to claims 49, note that the applications are listed in the directory in Hermann, and that it would be obvious to perform service discovery after the response to inquiry in view of the fact that the ad-hoc system would then be formed, with regard to claim 50, having the application controlled by the parameter information would have been obvious in order to prioritize the information, with regard to claim 51, application states would be obvious to use in order to optimize system performance.

With regard to claim 52, see the discussion above regarding claim 32 and note that making an inquiry to a middle layer would be obvious in view of the fact that such an area of software would typically carry such information.

With regard to claim 53, note that the apparatus limitations are all taught in the above cited references as discussed with respect to claim 1.

With regard to claim 54, see figure 2B of Hermann et al where the application interface is shown.

With regard to claims 55 – 61, see the application area 31 in figure 2b and note the functions discussed above, including the fact that the applications are listed, along with their roles, that there is the use of control parameters associated with application states, and that they are running in the machine. Note also the use of autoloading and erase functions above.

3.   Claims 4 – 5, 11, 12, 16, 17, 19 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent 6,738,766 to Peng and U.S. patent 7,158,176 to Tokkonen et al as applied above, and further in view of U.S. patent 6,721,787 to Hiscock.

With regard to claim 4, Hermann/Peng/Tokkonen et al teach the invention as described above, but do not teach the use of a connection request message, or connection accept message.

This is taught in Hiscock. See the upper right portion of figure 3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Hermann/Peng/Tokkonen et al with a connection

request/accept message in light of the teachings of Hiscock in order to provide a proper means for effectuating the connection.

With regard to claim 5, see col 5 lines 35+ of Tokkonen et al.

With regard to claims 11 – 12, 16 – 17, and 19 – 31, see the discussion above, including: prioritizing applications, control parameters, launching the application, closing a erasing the application, exchanging directory information, the control parameter dictating operating behavior, matching the application, the fact that the use of software would have been obvious to insure the methods repeatability.

4.   Claims 62 - 63 are allowed.

REMARKS

5.   Applicants remarks are moot in view of the new grounds of rejection.

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after . the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Steven Blount whose telephone number is 703-305-
0319. The examiner can normally be reached on M-F 9:00 - 5:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Ms. Seema Rao, can be reached on 571 – 272 - 3174. The fax phone
number for the organization where this application or proceeding is assigned is 703-
872-9306.

        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Seema S. Rao

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3/08/07